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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		1875.7300002	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number	Filed	
	10/661,163	September 12, 2003	
	First Named Inventor		
	Harry BIMS		
	Art Unit	Examiner	
	2617	Ajayi, Joel	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>50,720</u></p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p> <p><input checked="" type="checkbox"/> *Total of <u>one (1)</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Harry BIMS

Appl. No.: 10/661,163

Filed: September 12, 2003

For: **Plug-In-Playable Wireless
Communication System**

Confirmation No.: 7509

Art Unit: 2617

Examiner: Ajayi, Joel

Atty. Docket No.: 1875.7300002

Arguments to Accompany the Pre-Appeal Brief Request for Review

Mail Stop AF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby submits the following Arguments, in five (5) or less total pages, as attachment to the Pre-Appeal Brief Request for Review (Form PTO/SB/33). A Notice of Appeal is concurrently filed.

Arguments

Applicant's arguments in the Amendment and Reply Under 37 C.F.R. § 1.111, filed on August 18, 2008 (herein "Reply") were not properly considered or responded to by the Examiner in the Office Action dated December 11, 2008 (hereinafter the "Final Action"). The Examiner's response in the Final Action was legally and factually deficient because the Examiner failed to adequately demonstrate that U.S. Patent No. 5,475,683 to Harrison *et al.* (herein "Harrison"), and U.S. Patent No. 6,396,841 to Co *et al.* (herein "Co"), alone or in combination, teach or suggest all of the elements recited by independent claims 1, 11, and 21.

For a rejection to be legally adequate under 35 U.S.C. § 103, every claim feature must be taught, or be obvious to person of ordinary skill in the art, in the combination of the references. *See, Orthopedic Equipment, Inc. v. United States*, 702 F.2d 1005, 1013 (Fed. Cir. 1983). The rejection of independent claims 1, 11, and 21 is legally inadequate because neither Harrison nor

Co teach or suggest at least the features of "*detecting... a notification signal from a previously undetected first repeater...*" and/or "*a new wireless coverage cell is automatically established when the repeater is coupled to the switch*" as recited by independent claims 1, 11, and 21. (*See*, Reply, p. 11.)

The Final Action relies on Harrison to teach or suggest these features. (*See*, Final Action, pp. 3-4.) As previously argued, however, Harrison does not or suggest these features. (Reply, p. 10.) Specifically, Applicant has argued that Harrison allows "portable/mobile radio units to roam from one geographical area to another over a wide area communications network." (Harrison 5:35-37.) The wide area communications network of Harrison "includes at least one digital repeater site having a corresponding site coverage area and serving digitally trunked radio transceivers disposed within or near the site coverage area." (Harrison 5:15-19.) As the portable/mobile radio units roam from one geographical area to another, they "monitor[] the fidelity of communications received from a currently selected repeater site and an adjacent repeater site is included in the transceiver site adjacency list." (Harrison 5:26-30.) The portable/mobile radio units select "a new repeater site when the fidelity of communications received from a currently selected repeater site is less than that received from repeater sites" included a site adjacency list. (Harrison 5:30-33.) Hence, Harrison teaches that the portable/mobile radio units may roam from one previously detected, i.e., known, digital repeater site to another previously detected and known digital repeater site. (*See*, Reply, p. 11.)

Independent claims 1, 11, and 21, however, are directed to "automatically establishing a new wireless coverage cell when a *previously undetected* repeater is coupled to a switch." (Reply, p.10.) Nowhere does Harrison teach or suggest "*detecting, at a switch, a notification signal from a previously undetected first repeater coupled to the switch at a location,*" nor does

Harrison subsequently teach or suggest establishing "*a new wireless coverage cell*" at the previously undetected repeater as recited in independent claims 1, 11 and 21. (Reply, p.11.) In other words, nowhere does Harrison disclose what happens when a new and previously undetected, digital repeater is added to wide area communications network. Rather Harrison discloses portable/mobile radio units roaming around an already known wide area communications network. (Reply, p.11.)

As previously argued, the above defects in Harrison are not cured by Co. (Reply, p.11.) Co is directed to a "dual-speed stackable repeater with internal bridge for cascading or speed-linking." (Co, Title.) Co does not teach or suggest automatically establishing a new wireless coverage cell when a previously undetected repeater is coupled to a switch. (Reply, p.11.)

For at least the above reasons, , the combination of Harrison and Co does not teach each and every feature of independent claims 1, 11, and 21, and therefore does not meet the requirements of *prima facie* obviousness. Dependent claims 3-10, 13-20, and 23-30 are likewise not rendered obvious by the combination of Harrison and Co for the same reasons as independent claims 1, 11, and 21 from which they respectively depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 1, 3-11, 13-21 and 23-30 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

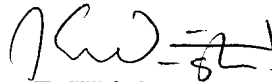
Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a), and that all the pending claims be passed to allowance.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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